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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/891,696

06/26/2001

Daniel Leonard Paulo

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7590

06/20/2006

MOTOROLA INC  
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EXAMINER

ALLEN, WILLIAM J

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 06/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/891,696

Applicant(s)

PAULO ET AL.

Examiner

William J. Allen

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 5/18/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 6/26/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Prosecution History Summary***

Claims 35, 36, 38-40, and 42 have been canceled per applicant's amendment filed 5/18/2006.

Claims 1 and 11 are pending for examination.

### ***Response to Arguments***

Applicant's arguments filed 5/18/2006 have been fully considered but they are not persuasive.

Srinivasan further employs a standard web browser to display web pages to a shopper (see at least: Fig. 7A-8F). In particular, Figures 7E and 7F show an order summary and confirmation page respectively and further represent replies from the server regarding the order that is being processed (see at least: 0029-0030). The particular web pages of 7E and 7F (and thereby the responses/replies) are formulated based on the capability of the device display to display a standard browser such that each page is generated and downloaded in web page format by the browser on the display of the device. Thereby, the responses are formulated in web page format based on the capability the device's display to display the web browser and web page to the user.

Additionally, Srinivasan teaches "a network of 3-D body scanners, user input measurements, or software to generate, store, or transmit individual body measurements and personal fit preferences in a globally accessible manner" (see at

Art Unit: 3625

least: 0085). Input from a customer regarding dimensions may be done so "through an Internet connected computer or other devices such as a web-connected wireless phone" (see at least: 0086). Under the same context in paragraph 0086, Srinivasan further states that the system allows designers, tailors, and manufacturers to get orders from and seamlessly interact with customers all over the globe. The Examiner notes that the system, which includes the stated Internet connected access device or the web-connected wireless access device, allows customers to place orders and interact with the system and merchants via their particular device (which can be wireless connected to the network). Thereby, Srinivasan teaches use of *a wireless communication device*.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by Srinivasan (US 2002/0077922).**

**Regarding claim 1, Srinivasan discloses:**

*receiving a request for the goods or services from a user by way of a wireless communication device (see at least: [0012], [0029]; [0039]; [0085-0086]; Fig. 2);*

*accessing a database having information relevant to said user and preferences related to said goods or services (see at least: [0039]; [0041]; [0087]);*

*forwarding an order for the goods or services to a provider of said goods or services, said order dependent on said information (see at least: [0039]; [0041]);*

*receiving a reply regarding said order from said provider (see at least: [0061]; [0064]; Fig. 7E, 7F and 8C);*

*formulating a response concerning said order and said reply, said response formulated based on capabilities of a display of said wireless communication device (see at least: [0061]; [0063]-[0067]; [0085-0086]; Fig. 7E, 7F, 8B-8F). The Examiner*

Art Unit: 3625

notes that the responses are based on the device's capability to display the necessary information (i.e. graphics, fields to be populated, etc.) to a user;

*sending said response to said wireless communication device* (see at least: [0085-0086]; Fig. 7E, 7F, 8B-8F). The Examiner notes that the information in the noted figures is transmitted to the user device.

**Regarding claim 11**, Srinivasan further discloses *wherein said step of receiving a request further includes receiving a request that is formulated based on the capabilities of said wireless communication device* (see at least: [0012], [0029]; [0039]; [0085-0086]; Fig. 2). The Examiner notes that the order request is submitted based on the device's ability to display, receive, and transmit the necessary order data.

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US 6226618 discloses an electronic content delivery system
- US 20010016829 discloses an image commercial transactions system and method
- US 20020143655 discloses a remote ordering system for mobile commerce
- US 6490443 discloses communication and proximity authorization systems

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Art Unit: 3625

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William J. Allen whose telephone number is (571) 272-1443. The examiner can normally be reached on 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rob Pond can be reached on (571) 272-6760. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

William J. Allen  
Patent Examiner  
June 14, 2006

*WJ Allen*  
*ACTING SPC 3625*